IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 10246 of 2004

Between:
Md. Saffiuddin, s/o Khaja Moinuddin,
Kummarigalli, Nizamabad, Nizamabad District.

.....
PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation, Rep. by its Vice-Chairman and Managing Director,
Musheerabad, Hyderabad.
2 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Bodhan Depot, Bodhan, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or directions more in the nature of Writ of Certiorari calling the records on the file of 2nd respondent herein in vide Office Order No, 02/95(20)/2003-BDN dt. 3-9-2003 and quash the same as illegal and arbitrary and consequentially direct the 2nd respondent to reinstate the petitioner into the service with continuity of service with all attendant, benefits including full back wages.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent No.: MR.K.HARINATH SC for APSRTC

The Court made the Following :

O r d e r:

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Heard both sides. At the request of the learned counsel appearing on both sides, the main writ petition, itself, is heard and disposed of.

The present writ petition is filed questioning the Office Order No.02/95 (20)/2003-BDN dated:3-09-2003 issued by the second respondent deleting the name of the petitioner from the approved list/select list of the Conductors with immediate effect terminating him from the service of the Respondent-Corporation.

The learned counsel for the petitioner submits that the petitioner was appointed as a Conductor on compassionate grounds. For certain cash and ticket irregularities, a show cause notice was issued to the petitioner for which he submitted his explanation. Thereafter, by impugned proceedings, the name of the petitioner was deleted from the selected list/approved list of the Conductors. The learned counsel contends that without conducting any inquiry and without affording an opportunity of being heard, the petitioner was removed from service and therefore prays that the impugned proceedings may be set aside.

The learned Standing counsel for the Respondents submits that as the petitioner is a daily wage employee, the Service Regulations of the Corporation do not contemplate for holding a regular enquiry. Hence, the petitioner was removed from service rightly by the impugned proceedings and there are no grounds to interfere with the impugned order.

It is not in dispute that without holding any inquiry the name of the petitioner was removed from the approved list/selected list of the Conductors.

The learned counsel for the petitioner submitted that in similar

circumstances, this court in *A. Hemalatha vs. APSRTC*[1], *held:*

> *"Therefore, it was imperative for the respondents to conduct an inquiry. It is also contended by the learned counsel for the respondents that the Corporation Rules do not contemplate an inquiry with respect to daily wageworkers. That might be so, but it is against the rules of natural justice to punish a person by creating a stigma for her, which would hurt her through out her life, without even conducting an enquiry. Since inquiry has not been conducted and an order has been passed which creates a stigma, therefore, the order cannot sustain."*

In the present case also, admittedly, no inquiry was conducted by the second respondent before inflicting the punishment upon the petitioner, through the proceedings impugned herein.

Following the decision of this court in the case of *A. Hemalatha (1 supra)* the proceedings impugned herein have to be set aside.

In the result the writ petition is allowed setting aside the Office order No.02/95(20)/2003-BDN dated:3-9-2003 issued by the second respondent. However, it is made clear that this order will not preclude the respondents from taking disciplinary action, if any, against the petitioner as per law. In the circumstances no costs.

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K.C.BHANU, J.

23—6—2004

BVS*

To

1 The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.
2 The Depot Manager, Andhra Pradesh State Road Transport Corporation,
Bodhan Depot, Bodhan, Nizamabad District.
3.2CD copies

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[1] W.P.NO.401/2000 dt.22-6-2000.